

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 28, 2000**

**DIVISION ONE**

B132349      Lifetime Recovery, Inc.                      (Not for Publication)  
                 v.  
                 Brentwood Equities, Inc., et al.

The order denying the petition to compel arbitration is reversed, and the cause is remanded to the trial court with directions to grant the petition. Brentwood Equities is awarded its costs of appeal.

Vogel (Miriam A.), J.

I concur:      Aragon, J. (Assigned)  
I dissent:      Ortega, Acting P.J. (Opinion)

B137172      Los Angeles County, D.C.F.S.                      (Not for Publication)  
                 v.  
                 Audrey H.

The order under review is affirmed.

Aragon, J. (Assigned)

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

July 28, 2000-Continued

## DIVISION ONE (Continued)

B135314 People (Not for Publication)  
v.  
Jara

The judgment of conviction, entered upon a plea of guilty and an admission of a prior felony conviction, is affirmed.

Aragon, J. (Assigned)

We concur: Spencer, P.J.  
Ortega, J.

[illegible]

The order under review is reversed.

Aragon, J. (Assigned)

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

B131255 People (Not for Publication)  
v.  
Arriola et al.

The judgments of conviction are affirmed. The case is remanded for resentencing in a manner consistent with the views expressed herein.

Spencer, P.J.

We concur: Ortega, J.  
Aragon, J. (Assigned)

July 28, 2000-Continued

## DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B135648 People (Not for Publication)  
v.  
Ferrell

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.  
Aragon, J. (Assigned)

B141384      Ronnie M.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Department of Children & Family Services, r.p.i.)

The petition is denied.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

July 28, 2000-Continued

## DIVISION ONE (Continued)

B139451      Shaffery      (Certified for Publication)

V.

Wilson, Elser, Moskowitz, Edelman &amp; Dicker

The judgment is affirmed. Wilson, Elser, Moskowitz, Edelman and Dicker LLP is awarded its costs.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J. (Assigned) and G. Villanueva, Deputy Clerk.

B132441 Dickens Green Owners Association

V.

## Zusmer

Merits:

Argued by Henry Bockman for appellant and by Robert Hillshafer for respondent. Request to continue oral argument is denied. Cause submitted.

B120863 Comeau

V.

USC Medical School

Merits:

Argued by Alison Turner for appellant and by William Genego for respondent. Cause submitted.

DIVISION TWO (Continued)

B137658      US Mac Corporation  
                 v.  
                 Amoco Oil Company  
                 Chevron USA, Inc.

Merits:

Argued by David Laufer for appellant, by Steven Lamb for respondent Amoco Oil and by Earle Miller for respondent Chevron USA, Inc. Cause submitted.

B137242      Jennings et al.  
                 v.  
                 Bell Cab Company, Inc., et al.

Merits:

Argued by William Jennings and Lincoln Castro, appellants in propria persona, by Barry Glaser for respondent Bell Cab, by Arthur Snyder for respondents Snyder & Associates and by Daniel DeLaney for respondents TM-MTM. Cause submitted.

B128515      Jeun et al.  
                 v.  
                 Michelin North America

Merits:

Argued by Edward Idell for appellant and by James Yukevich for respondents. Cause submitted.

Nott, J. leaves the bench.

B133474      Estate of Brown  
                 Dunleavy et al.  
                 v.  
                 Hillbish

Merits:

Argued by Robert Kern for appellant, by Thomas Gafney for respondent Dunleavy, by Keith Walker for respondent Wells Fargo Bank and by Thomas Dominick for respondent Todaro. Cause submitted.

## DIVISION TWO (Continued)

Court adjourned.

B134762      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Delores S.

The order terminating parental rights is affirmed.

Cooper, J.

We concur:   Boren, P.J.  
                      Nott, J.

B123993      Mazzola      (Not for Publication)  
v.  
Richardson et al.

The judgment is affirmed. Respondent(s) to recover costs.

Boren, P.J.

We concur: Nott, J.  
Cooper, J.

DIVISION THREE

B127884 People (Not for Publication)  
v.  
Brown

The judgment of conviction is affirmed. The imposition of the prior prison term enhancements is reversed and the matter is remanded for retrial on those enhancement allegations. In all other respects the sentence is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

July 28, 2000-Continued

### DIVISION THREE (Continued)

B134456 People v. Gaines (Not for Publication)

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B025712      People  
v.  
Payne

(Not for Publication)

Payne's admission of two prior prison terms within the meaning of Penal Code section 667.6, subdivision (b), is set aside and the matter is remanded for further appropriate proceedings. In all other respects the judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B129713 Avery Dennison Corporation et al. (Not for Publication)  
v.  
Minnesota Mining and Manufacturing Company

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur:   Croskey, Acting P.J.  
                  Aldrich, J.

DIVISION FOUR

B133558      Annette Singer                      (Not for Publication)  
                 v.  
                 Robert Singer

The judgment is affirmed.

Epstein, Acting P.J.

We concur:   Hastings, J.  
                 Curry, J.

B140746      Joseph Andrews                      (Certified for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Robert W. Thomas, r.p.i.)

The petition for writ of mandate is granted. The trial court is directed to vacate its order requiring petitioner to pay his client's share of the referee's fees and to enter a new order for the payment of the fees that is not inconsistent with this opinion. Each side to bear their own costs on appeal.

Epstein, Acting P.J.

We concur:   Hastings, J.  
                 Curry, J.

B133564      Danny L. Mercer                      (Not for Publication)  
                 v.  
                 U.S. Filter Corporation et al.

The judgment is affirmed. Costs on appeal are awarded to respondents.

Hastings, J.

We concur:   Epstein, Acting P.J.  
                 Curry, J.



## DIVISION FOUR (Continued)

B134828      People      (Certified for Publication)  
v.  
Kenneth Lavelle Hall

For the foregoing reasons, the judgment is reversed and the matter remanded for retrial.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B140367      People                                  (Not for Publication)  
v.  
William Robinson

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B126027 People (Not for Publication)  
v.  
Glenn Yee

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

## DIVISION FOUR (Continued)

B138659      People                                  (Not for Publication)  
v.  
Sherry M. Johns

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B136256 People (Not for Publication)  
v.  
Eric Favela

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B131368      People                                  (Not for Publication)  
v.  
Sergio Cortez

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

DIVISION FOUR (Continued)

B136713      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Gilbert G.

The disposition order is affirmed.

Vogel (C.S.), P.J.

We concur:    Hastings, J.  
                  Curry, J.

B133862      Etan Boritzer et al.                      (Not for Publication)  
v.  
Wade Hanson

The judgment is reversed and the trial court is directed to proceed in accord with the views expressed herein. Appellant Hanson to recover costs on appeal.

Vogel (C.S.), P.J.

We concur:    Epstein, J.  
                  Curry, J.

B134725      Globenet Software, Inc.      (Not for Publication)  
v.  
Herbalife International of America, Inc.

The preliminary injunction filed August 17, 1999, is modified by deleting the numbered paragraph 2 and, as modified, is affirmed. Costs on appeal are awarded to appellant Herbalife.

Vogel (C.S.), P.J.

We concur:    Epstein, J.  
                  Curry, J.

DIVISION FOUR (Continued)

B131535 Grober (Not for Publication)  
v.  
Turner

The judgment in favor of respondents Ardell Marina, Inc. and James Elliott is affirmed. The judgment in favor of respondents Golden West Yachts International, Inc., and Frank G. Turner is reversed, but only insofar as appellants have pleaded a cause of action based on breach of fiduciary duty. We affirm that portion of the order sustaining without leave to amend the demurrers to appellants' first, second, fourth, fifth, and sixth causes of action, which are barred because waived on appeal. Appellants to recover costs.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B129812      Papen      (Not for Publication)  
v.  
Callahan, McCune & Willis

The judgment is reversed and the matter is remanded to the trial court for further proceedings in accordance with the views expressed herein. The order striking appellant's prayer for punitive damages is affirmed. Costs on appeal are awarded to appellant.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

## DIVISION FOUR (Continued)

B126876      People                                  (Certified for Partial Publication)  
v.  
Perez and Aguilar

As to each appellant, the judgment is modified by striking therefrom the two-year sentence enhancement pursuant to Penal Code section 186.22, subdivision (b)(1). As so modified, the judgments are affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B132074 People (Not for Publication)  
v.  
Rodriguez

The judgment of conviction of assault with a firearm and the sentence thereon are reversed. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

DIVISION FIVE

B135195      People  
v.  
Rudolph Parrott

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B131584      Snyder & Archuletta                      (Not for Publication)  
                 v.  
                 Bell Cab Co., Inc., et al.

The order setting aside the judgment is affirmed. Bell Cab and TM shall recover their costs on appeal from Snyder and Archuletta.

Godoy Perez, J.

We concur:   Turner, P.J.  
                 Grignon, J.

B138240      Clotilde C. Nielson                      (Not for Publication)  
                 v.  
                 Lauren Ross

The judgment is affirmed. Respondents shall recover their costs on appeal.

Godoy Perez, J.

We concur:   Turner, P.J.  
                 Grignon, J.